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**NOTES OF CASES.**

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**Is Harnessed Horse Running at Large?**—While two horses, unhitched and unattended, but attached to a wagon, were standing near the curb consuming their midday meal, one of them resented the proximity of plaintiff and bit him. On the ground that the horses were running at large, the master, in the lower court, was held liable for their misdeeds. In *Corcoran v. Kelly*, 113 New York Supplement, 686, the Supreme Court of New York remarked that there was a wide difference between a horse permitted to roam at large and a work horse hitched to a wagon on the street eating oats. Negligence cannot be predicated on the mere leaving of a horse unattended in the street while it lunches at noon. Moreover, the viciousness of the animal, and not the absence of surveillance, was the proximate cause of the accident. Previous propensity of the horse to bite must have been proved by the plaintiff to permit a recovery by him.

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**Exhumation of Dead Body to Establish Controverted Fact.**—In *Gray v. State*, 114 Southwestern Reporter, 635, it appeared that Gray and another man had engaged in an altercation which resulted in the death of the latter. The state contended that Gray shot from behind, while he insisted that he had shot in self-defense while deceased was advancing upon him with a drawn knife. There was a ragged bullet hole in the breast of deceased, which accused declared marked the entrance of the bullet, but which the state asserted indicated its exit. To settle this question accused endeavored to have the body exhumed and examined. If the bullet was in the body the defense would be greatly strengthened, and if it had passed through the evidence would be advantageous to the state. The court of Criminal Appeals of Texas decided that every consideration of respect for the dead would suggest that the pathetic dust of the deceased should remain undisturbed, unless justice required a disinterment, but in this case the examination was considered necessary for the protection of appellant.

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**Notice of Defect In Street.**—The charter of a municipality provided that it would not be liable for injuries received through defects in its street, unless a notice of such defect were given 10 days before the injury. It would seem that the unfortunate, to recover, would have to anticipate his injury in order to notify the city in time. The Supreme Court of Minnesota, however, in *Schigley v. City of Waseca*, 118 Northwestern Reporter, 259, declared that provision entirely proper. It concluded that it is clear that the Legislature may grant or deny to individuals a right of action against municipal corporations for injuries resulting from the negligent manner in which streets and highways are maintained. Having this power, it may grant the right of action upon any conditions which it chooses to prescribe.